

GOVERNMENT OF TELANGANA  
ABSTRACT

Tribal Welfare Department – Telangana State – Khammam District – Revision Petition filed by Smt Malipeddi Mahalaxmi W/o Rajaiah and Malipeddi Nagamani W/o Subba Rao both are R/o. Nacharam village in Enkoor Mandal of Khammam District against the orders of the Additional Agent to Government, Bhadrachalam in CMA No.122/2005, dated 18.08.2007, in respect of land admeasuring acs.3.36 gts in Sy.No.35 situated at Nacharam village in Enkoor Mandal of Khammam District–  
**DISMISSED – Orders – Issued.**

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No.64

Dated:09.10.2023.

Read the following:-

1. Orders of the of Special Deputy Collector (Tribal Welfare), Bhadrachalam, in LTR case No.No.160/98/ENK, dated 16.02.2005.
2. Orders of the Additional Agent to Government & Project Officer, ITDA, Bhadrachalam in CMA No.122/2005, dated 18.08.2007.
3. Revision Petition filed by Smt Malipeddi Mahalaxmi W/o Rajaiah and Malipeddi Nagamani W/o Subba Rao both are residents of Nacharam village in Enkoor Mandal of Khammam District, dated 19.12.2007.
4. Govt.letter.No.8567/LTR-2/2007, dated 17.01.2008.
5. Govt.Memo.No.8567/LTR-2/2007, dated 22.01.2008.
6. From the Additional Agent to Government & Project Officer, ITDA, Bhadrachalam, Lr.RP.No.8567/LTR-2/2007 (CMA No.122/2005), dated 31.01.2009.
7. Govt.Letter.No.8567/LTR-2/2007, dated 27.02.2016, 30.04.2016, 26.07.2016, 30.03.2017, 10.05.2017, 22.07.2017 & 23.10.2020.

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ORDER:

In the reference 3<sup>rd</sup> above Smt Malipeddi Mahalaxmi W/o Rajaiah and Malipeddi Nagamani W/o Subba Rao both are residents of Nacharam village in Enkoor Mandal, Khammam District have filed Revision Petition along with Stay Petition through their Counsel before the Government under Section 6 of the AP Scheduled Areas Land Transfer Regulation 1/1959 against the orders of the Additional Agent to Government, Bhadrachalam in CMA No.122/2005, dated 18.08.2007, in respect of land admeasuring acs.3.36 gts in Sy.No.35 situated at Nacharam village in Enkoor Mandal of Khammam District, brief history of the case as follows:

2. On a report of Special Deputy Tahsildar (Tribal Welfare), Palvancha dated 3.10.1998, an LTR case vide case No.160/98/ENK was registered by the Special Deputy Collector (Tribal Welfare), Bhadrachalam for contravention of Regulation I of 1970 related to the land in Sy.No.35 admeasuring acs.3.36 gts situated in Nacharam village of Enkoor Mandal in Khammam District. Sri Khaja Abdul Kuddus (Non-Tribal) R/o Nacharam was proforma petitioner and 1) Malipeddi Mahalaxmi (Non-Tribal) W/o Rajaiah and 2) Malipeddi Nagamani W/o Subba Rao (Non- Tribal) both residents of Nacharam village were Respondents. The case was disposed on 16.02.2005 vide reference 1<sup>st</sup> read above with the following findings:

- Perused record with reference to the report of Special Deputy Tahsildar (Tribal Welfare) Palvancha and found that husband of Respondent 1 (R1) had purchased the suit land in Sy.No.35 to an extent of acs.1.30 gts and encroached to an extent of acs.3.36 gts. It is clear that the respondents have entered the suit land from 1975 onwards only, which is void under law. Hence, ejected to Government.

3. Aggrieved by the above orders, Respondents 1 and 2 herein Smt.Malipeddi Mahalaxmi and Malipeddi Nagamani had filed Appeal before the Additional Agent to Government, Bhadrachalam, wherein it was numbered as CMA 122/2005 and disposed on 18.8.2007 vide reference 2<sup>nd</sup> read above - gist of which is as under:

i) Appeal grounds

- Appellant No.1 (Smt Malipeddi Mahalaxmi) is mother-in-law of Appellant No.2 (Malipeddi Nagamani)who are owners and possessors of land.

(Contd....2)

- Malipeddi Laxmaiah (son of 1<sup>st</sup> petitioner) purchased the land in the year 1962 for Rs.2000/- from Respondent 1 (Khaja Abdul Khuddus (Non-Tribal) R/o Nacharam, Enkoor Mandal who is original Pattadar and got it registered vide Regn.No.261/75.
- One Katragadda Gangaiah who is brother of 1<sup>st</sup> appellant purchased the land to an extent of acs.2.20 gts in Sy.No.35 through registered document No.332 of 65 and later executed Will in the year 1969 in favour of the appellant. Thus, after death of said Gangaiah, 1<sup>st</sup> appellant became owner of the property.
- Lower court did not inform date of hearing, not given opportunity and passed orders.
- Schedule land was purchased through registered sale deed prior to Act 1/70 and son of appellant appeared before the court and submitted xerox copy of the registered sale deed and requested to grant time for production of registered sale deed and pahanies. Lower court did not give any validity to xerox copies of documents.
- Lower court failed to follow the procedure and finally prays to set aside the lower court and allow the Appeal.

ii) Findings

- Even before the appellate authority, they failed to file documents and without filing documents throwing blame on both the courts in spite of giving sufficient time to produce the documents.
- Schedule land was purchased in the year 1962 for Rs.2,000/- but registered in the year 1975.
- The registration was done after 1970 which is clearly hit by Regulation 1/70.
- Appellants also failed to file pahanies of relevant years to prove their possession.
- Totally the appellants failed to prove their case – hence, lower court orders confirmed.
- Tahsildar, Enkoor is directed to take over possession of suit land into Government custody under cover of panchanama and assign to eligible tribals as per rules in force.

4. Aggrieved by the above orders of the Additional Agent to Government, Bhadrachalam in CMA No.122/2005, dated 18.8.2007, in the reference 3<sup>rd</sup> read above, Smt Malipeddi Mahalaxmi W/o Rajaiah and Malipeddi Nagamani W/o Subba Rao both residents of Nacharam village in Enkoor Mandal of Khammam District have filed the present Revision before the Government on 19.12.2007 contending as follows:

- Malipeddi Laxmaiah (son of Malipeddi Mahalaxmi) purchased land to an extent of acs.1.16 gts in the year 1962 from the 3<sup>rd</sup> respondent (Khaja Abdul Khuddus R/o Nacharam, Enkoor) and the same was registered vide Regn.No.261/75 – thereafter the said land was given to the second petitioner during family arrangements.
- One Katragadda Gangaiah who is brother of 1<sup>st</sup> petitioner (Malipeddi Mahalaxmi) purchased land to an extent of acs.2.20 gts in Sy.No.35 through registered document No.332 of 65 and later executed a Will in the year 1969 in favour of 1<sup>st</sup> petitioner which was succeeded to her after his death.
- Since the date of purchase, they have been in possession and enjoyment of the said land.

5. In thereference 4<sup>th</sup> read above, the counsel for Revision Petitioner Sri Nuthalapati Krishna Murthy has been informed about rejection of stay of operation of order of Additional Agent to Government.

(Contd...3)

6. In thereference 5<sup>th</sup> read above, Government has sent a copy of the Revision Petition to the Project Officer & Additional Agent to Government, Bhadrachalam to send para-wise remarks and connected cased records.

7. In thereference 6<sup>th</sup> read above, the Additional Agent to Government, Bhadrachalam has submitted connected case record and also para-wise remarks – gist of which is as under:

- Revision Petitioners filed Photostat copy of registered sale deed dated 7.4.1975 before the Special Deputy Collector (Tribal Welfare) Bhadrachalam which is after Regulation 1/70. As such the Special Deputy Collector (Tribal Welfare) Bhadrachalam has passed ejectment orders.
- Revision Petitioners have not filed single piece of documentary evidence except lower court order to prove their case before the Additional Agent to Government, Bhadrachalam.
- Without any documentary proof, the Revision Petitioners are not eligible to continue their possession over the schedule land. 1<sup>st</sup> Respondent i.e. Special Deputy Collector (Tribal Welfare) Bhadrachalam has rightly rejected claim of the petitioners.
- In view of the above, orders passed by the Special Deputy Collector (Tribal Welfare) Bhadrachalam and Additional Agent to Government, Bhadrachalam are proper and legally correct according to the provisions of APSA LT Regulation 1/59 amended by 1/70. Therefore, prayed the Government to dismiss the Revision Petition.

8. In the reference 7<sup>th</sup> read above, notices were issued to all the concerned parties to attend hearing on 19.03.2016, 07.05.2016, 22.04.2017, 03.06.2017 and finally 07.11.2020.

9. On 7.11.2020, Counsel for Revision Petitioners called absent, the Deputy Tahsildar, Enkoor was present with the record. Acknowledgement of Notices served was submitted wherein it was reported as follows:

- 1) Sri Khaja Mohd Abdul Khuddus S/o Khaja Himamuddin not staying locally.
- 2) Smt.Malipeddi Mahalakshmi W/o Rajaiah was expired.
- 3) Smt. Malipeddi Nagamani W/o Subba Rao was informed over phone No.9640331249.

10. Upon perusal of the record and documents produced by the Revision Petitioners, except Photostat copy of registered sale deed dated 7.4.1975, the Revision Petitioners failed to produce any other evidencing material to prove their case before the Government. The Revision Petition is pending before the Government since 2007.

11. Government, after careful examination of the matter do not find any reason to interfere with the orders passed by the Special Deputy Collector (Tribal Welfare) Bhadrachalam in LTR case No.160/98/ENK, dated 16.2.2005 and Additional Agent to Government, Bhadrachalam in CMA No.122/2005, dated 18.8.2007 and accordingly confirmed them duly DISMISSING the Revision Petition filed by Malipeddi Mahalakshmi (late), W/o Rajaiah and Malipeddi Nagamani W/o Subba Rao both are residents of Nacharam village in Enkoor Mandal of Khammam District.

12. The Additional Agent to Government & Project Officer, ITDA, Bhadrachalam, Bhadradi Kothagudem District shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr.CHRISTINA Z.CHONGTHU,  
SECRETARY TO GOVERNMENT.

To

The Additional Agent to Government & Project Officer, ITDA, Bhadrachalam  
Bhadradi Kothagudem District(By RPAD)

(Contd...4)

The Special Deputy Collector (Tribal Welfare), Bhadrachalam,  
Bhadradri Kothagudem District(By RPAD)

LR's of late Malipeddi Mahalaxmi W/o Rajaiah,  
R/o.Nacharam village in Enkoor Mandal,  
Khammam District(By RPAD)

Smt Malipeddi Nagamani W/o Subba Rao  
R/o.Nacharam village in Enkoor Mandal,  
Khammam District (By RPAD)

Khaja Abdul Khuddus, S/o. KhajaImamuddin,  
R/o Nacharam Village, Enkoor Mandal, Khammam District

Copy to:-

The District Collector, Khammam, Khammam District.

Sri Nuthalapati Krishna Murthy, Advocate,  
H.No.4-7-273, EsamiaBazar, Hyderabad - 500027 (By RPAD)  
(Counsel for the petitioner)

The Tahsildar, Enkoor Mandal, Khammam District (By RPAD)  
(With a direction to serve the copy of GO to concerned parties).

The P.S to Hon'ble Minister(STW)

The P.A to Secretary(TW)

The P.A to Special Secretary(TW).

SC/SF.

//FORWARDED::BY ORDER//

SECTION OFFICER.